IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1237 of 2005

Between:

P.Sarojini Devi, W/o.Ananda Rao,
R/o.H.No.1-17-14, Ramnagar Colony Alwal,

Secunderabad.

..... PETITIONER

AND

1 The Government of A.P.rep. by its Secretary to Revenue,

Secretariat, Hyderabad.
2 The special Officer and Competent Authority, Urban Land

Ceiling, Hyderabad.
3 The Alwal Municipality, Alwal, Ranga Reddy District,

rep. by its Commissioner.
4 Jai Jawaharnagar Cooperative House Building Society
Limited, Alwal R.R.District Rep. by its Secretary Sri
B.Machender Rao, Opp.Eve's High School, Slwal,
R.R.District.
5 B.S.Gill, S/o.I.S.Gill,
R/o.1-17-40, Ramnagar Colony, Alwal, Malkajigiri Mandal,

R.R.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other writ, order or direction in the nature of a writ, directing respondents 1 and 2 to take over its land back which remained unallotted

and unregistered by the 4th respondent situated in S.No.191 of Alwal Municipality, Malakajigiri Mandal, R.R.District out of 45088 sq.mts of vacant land which was granted exemption in G.O.Ms.No.315 Revenue Dt:4-3-1982 forthwith and also direct the 3rd respondent to take over open spaces situated in Jai Jawharnagar Housing Colony layout in S.No.191 of Alwal Municipality Malajigiri Mandal, R.R.District forthwith and pass such other orders in the interest of justice.

Counsel for the Petitioner: MR.G.PEDDA BABU

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for Respondent No.3: MR POLISETTI RADHA KRISHNA (SC for Municipality)

Counsel for the Respondent Nos.4 and 5 : Mr.B.Ravi

The Court made the following :

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THE HONL'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1237 OF 2005

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ORAL ORDER :

The petitioner claims to be the owner in respect of one of the house plots (Plot No.77) in the lay out sanctioned in Sy.No.191 of Alwal Municipality, Malkajgiri Mandal, R.R. District. It appears that by virtue of the exemption granted under

G.O.Ms.No.315, Revenue (U.C.II) Department, dated 04-03-1982 under Section 20(1) (a) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, 'the Act') the land was sold in favour of the fourth respondent – House Building Society, in respect of which subsequently a lay out was sanctioned for 131 plots. The petitioner alleges that the fifth respondent herein styling himself as Secretary of the fourth respondent society has been unauthorizedly selling some of the unallotted plots as well as the open spaces earmarked in the lay out, to the third parties. The petitioner states that she made series of representations to the third respondent Municipality bringing to its notice the illegal activities being carried on by the fifth respondent in collusion with the fourth respondent society and requested to take over the open space earmarked in the lay out as well as unallotted plots from the fourth respondent society. However, there was no response. Hence, this writ petition.

I have heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the third respondent Municipality.

Having regard to the facts and circumstances of the case and particularly since nothing has been placed before this Court to show that the representation said to have been made by the petitioner was actually received in the office of the 3rd respondent Municipality and pending consideration as of today, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make a fresh representation together with the relevant material, if any, within a period of four weeks from today. If any such representation is made, the same shall be considered by the respondents 1 to 3 and appropriate orders be passed as expeditiously as possible preferably within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion as to the correctness of the allegations made by the petitioner and the respondents 1 to 3 shall make necessary enquiry into the allegations made by the petitioner after affording reasonable opportunity to the respondents 4 and 5 and all other concerned to rebut the allegations before passing any orders.

The Writ Petition is accordingly disposed of. No costs

01st February, 2005.

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To

1 The Secretary to Revenue, Government of A.P,

Secretariat, Hyderabad.
2 The special Officer and Competent Authority, Urban Land

Ceiling, Hyderabad.
3 The Commissioner, Alwal Municipality, Alwal, Ranga Reddy

District.

4 The Secretary, Jai Jawaharnagar Cooperative House
Building Society Limited, Alwal R.R.District.
5 2CCs to the G.P for Revenue, High Court Buildings,

Hyderbad(O.U.T).

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